

II. REMARKS

The Applicants thank the Examiner for the indication of allowable subject matter in claims 14 to 19.

Upon entry of this Amendment, claims 10, 14 to 18, 21, 23, and 24 will be pending. Claims 10, 21, 23, and 24 are amended. Support for the claim amendments may be found in the specification as originally filed. *See, for example*, page 100, line 19 to page 123, line 3. Therefore, no new matter is added by way of these amendments.

1. Claim Rejections under 35 U.S.C. § 112, first paragraph:

Claims 10 and 21 were rejected under 35 U.S.C. § 112, first paragraph, allegedly “because the specification, while being enabling for an isolated transcription factor, does not reasonably provide enablement for a fragment of an isolated transcription factor.” Office Action at page 2. Although the Applicants disagree, to facilitate prosecution claims 10 and 21 are amended, and, as amended, the Applicants respectfully submit that these claims are fully enabled by the specification – this fact is even admitted by the Examiner. Therefore, the Applicants respectfully request withdrawal of this rejection.

2. Claim Rejection under 35 U.S.C. § 112, second paragraph:

Claims 21 and 24 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly “being indefinite.” *Id.* at page 4. Claims 21 and 23 are amended to replace the phrase “wherein said nucleic acid molecule is within a recombinant nucleic acid construct” with “[a] recombinant nucleic acid construct comprising.” Claim 24 is amended to replace the phrase “wherein said

construct is inserted into a plant genome” with “[a] plant genome comprising.” Therefore, the Applicants respectfully request withdrawal of this rejection.

3. Claim Rejections under 35 U.S.C. § 102:

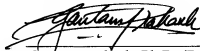
Claims 10 and 21 were rejected under 35 U.S.C. § 102(b) as allegedly “being anticipated by GeneBank Accession Number D30807” and “by GeneBank Accession Number AA728430.” Office Action at page 7. Although the Applicants disagree, to facilitate prosecution claims 10 and 21 are amended, and, as amended, the Applicants respectfully submit that these claims are not anticipated by either GenBank Accession No. D30807 or GenBank Accession No. AA728430. Therefore, the Applicants respectfully request withdrawal of these rejections.

III. CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully submit that the present application is now in condition for allowance, and respectfully request notice of such. The Examiner is encouraged to contact the undersigned at 202-942-5746 if any additional information is necessary for allowance.

Respectfully submitted,

Date: January 4, 2007



Gautam Prakash, Ph.D. (Reg. Agent No. 53,481)

Thomas E. Holsten (Reg. Atty. No. 46,098)

David R. Marsh (Reg. Atty. No. 41,408)

Arnold & Porter LLP
555 Twelfth Street, N.W.
Attn: IP Docketing
Washington, DC 20004

Telephone: 202-942-5000
Facsimile: 202-942-5999